

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MOSES PEREZ and DEE PEREZ,

Plaintiffs,

v.

K&B TRANSPORTATION, INC. and KIARA
WHARTON,

Defendants.

Case No. 1:17-cv-02610

PLAINTIFFS AND DEFENDANTS' JOINT RULE 26(f)(1) REPORT

Plaintiffs, MOSES PEREZ and DEE PEREZ, and Defendants, K&B TRANSPORTATION, INC., and KIARA WHARTON ("Defendants"), jointly present their Rule 26(f) Report to the Court as follows:

1. **Meeting.** Pursuant to Federal Rule 26(f), a planning meeting was held on April 19, 2017, at the offices of Wilson Elser Moskowitz Edelman & Dicker LLP, and was attended by Hadas Corey for the Plaintiffs and Lamis Eli for the Defendants. The conference was productive in establishing a discovery schedule and outlining various issues and positions, but did not result in settlement.

2. **Nature of the Case**

- a. This is a personal injury action filed initially in Illinois state court and removed to Federal Court based on diversity jurisdiction. The action involves a January 20, 2015, collision between vehicles operated by Plaintiff Moses Perez and Defendant Kiara Wharton. The collision occurred in the eastbound lanes of Interstate 294 in Thornton, Illinois, at approximately 5:30am. Plaintiff Moses Perez was operating a 2002 Ford Explorer. Defendant Kiara Wharton

was operating a 2013 Mack Truck TRA on behalf of her employer and owner of the vehicle, Defendant K&B Transportation. The road conditions were icy and Perez spun out and entered the lane in which Wharton was driving and was eventually struck from behind. Perez's vehicle then struck the median before coming to a final rest stop on the shoulder of Interstate 294.

- b. Plaintiff Moses Perez has filed a claim alleging negligence against Defendants K&B Transportation and Kiara Wharton. Plaintiff Dee Perez has filed a claim alleging loss of consortium against Defendants K&B Transportation and Kiara Wharton and seeks expenses to be repaid pursuant to the Family Medical Expense Act.
- c. Defendants have filed an answer to Plaintiffs' complaint denying all allegations contained therein. Defendants have also filed an affirmative defense claiming Plaintiffs' damages were caused in whole or in part by Plaintiff Moses Perez's own conduct.
- d. The basis for federal jurisdiction is diversity jurisdiction.

3. **Pre-trial Schedule.** The parties jointly propose to the Court the following discovery plan:

- a. Discovery will be needed on the following subjects:
 - i. Plaintiffs' pre-accident medical history;
 - ii. Plaintiffs' post-accident medical care and treatment for the injuries suffered;
 - iii. Plaintiffs' education and employment histories;
 - iv. Defendant's employment history;

- v. Maintenance history and condition of Plaintiff's vehicle prior to the accident; and
 - vi. Maintenance history and condition of Defendant's vehicle prior to the accident.
 - vii. Defendants' training materials, including but not limited to training videos;
 - viii. Defendant Wharton's medical condition, pre-and post-accident;
 - ix. Defendant Wharton's bills of lading for loads hauled by K&B Trucking;
 - x. Defendant employment and/or independent contractor agreements between K&B Trucking and Kiara Wharton, from 2015-2016;
 - xi. Kiara Wharton's log books for 2015-2016;
 - xii. Defendants' policies of insurance, including but not limited to umbrella insurance policies in effect in 2015-2016;
 - xiii. The employment file, the independent contractor file, any driver's qualification file or any other performance reviews or other documents relating to Kiara Wharton's driving history with K&B Trucking; and
 - xiv. Accident reports, incident reports, photographs of the scene, phone records, property damage estimates, downloaded data information, ECM data, GPS data, or any other data sources in the Defendants' or Plaintiffs' possession.
- b. Defendants will produce their Federal Rule 26(a)(1) disclosures by October 2017. All discovery to be commenced in time to be completed by October 2018.

- c. The parties believe that it will be necessary to depose a variety of witnesses relative to these issues. These witnesses are located throughout the United States of America. The parties anticipate that the depositions of party witnesses, damages witnesses, individuals knowledgeable about the maintenance histories of each vehicle, and individuals knowledgeable about Defendant's employment history will involve between 10 and 12 witnesses. The vast majority of these witnesses will be inside the State of Illinois, with the exception of Defendants.
- d. Additionally, Plaintiff Moses Perez has in excess of \$75,000 in medical expenses for treatment that he contends is related to the injury alleged in the Complaint. Defendants anticipate there will be 2 to 5 depositions of medical personnel.
- e. Finally, both parties anticipate that there will be expert discovery, the total number of respective experts depending on the nature and extent of the fact discovery completed. There are hundreds of pages of document related to Plaintiff Moses Perez's medical treatment that will make depositions of various witnesses lengthy.
- f. Reports and depositions of retained experts under Rule 26(a)(2) shall be disclosed as follows:
 - i. Plaintiffs to disclose expert reports on or before March 2018.
 - ii. Depositions of Plaintiffs' experts to be completed by May 2018.
 - iii. Defendants to disclose expert reports on or before July 2018.
 - iv. Defendants' expert witnesses to be deposed by September 2018.

g. Parties shall be allowed until October 2017 to join additional parties and amend the pleadings.

h. Dispositive motions to be filed by November 2018.

4. Trial Schedule.

a. Final Pretrial Order: Plaintiffs shall prepare a proposed Draft Final Pretrial Order by November 2018. Parties to file joint Final Pretrial Order by December 2018.

b. This case should be ready for trial by January 2019 and at this time is expected to take approximately 4-5 days.

5. Expected Evidentiary Proceedings. None.

6. Settlement. At least 7 days prior to the Rule 16(b) scheduling conference, Plaintiffs are directed to make a written statement demand do Defendants. At least 3 days prior to the scheduling conference, Defendants are to respond in writing to Plaintiffs; settlement demand.

7. Consent. At this time, Defendants do not consent to proceed before the Magistrate Judge.

Respectfully submitted,

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Respectfully submitted,

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